

Application No. 09/537,425  
Amendment dated April 13, 2005  
Reply to Office Action of January 13, 2005

**REMARKS**

**Status Of Application**

Claims 1, 5, 8, 15, 17, 21, 24, 31, 33-38, 42, 45-51, 55, and 58 are pending in the application; the status of the claims is as follows:

Claims 2-4, 6, 7, 9-14, 16, 18-20, 22, 23, 25-30, 32, 39-41, 43, 44, 52-54, 56, and 57 are withdrawn from consideration.

Claims 33 and 47 are objected to because of informalities.

Claims 1 and 17 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,323,479 B1 to Hynecek et al (“Hynecek”).

Claims 5, 8, 21, 24, 33-35, and 46-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hynecek in view of U.S. Application Publication No. US 2001/0045508 A1 to Dierickx (“Dierickx”).

Claims 15, 31, 36-38, 42, 45, 49-51, 55, and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

The indication, in the Office Action, that the Examiner has no objections to the drawings filed on March 27, 2000, is noted with appreciation.

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**Claim Amendments**

Claims 1, 4, 9, 12, 15, 17, 31, 33, 37, 42, 46, 50, 55 and 58 have been amended to more particularly point out and distinctly claim the subject matter of the invention. These changes do not introduce any new matter.

**Status of Withdrawn Claims**

There appears to be a discrepancy between the list of withdrawn claims set forth in paragraph 4a) on PTOL-326 and the list set forth in paragraph 1 of the Office Action itself. Moreover, neither list corresponds to the list of elected claims set out in the Response to Restriction Requirement filed May 3, 2004. It is believed that the status of the claims set forth in the above listing of claims is correct.

A number of the generic claims in the present application are being amended by this response. In anticipation of the allowance of the generic claims, some of the withdrawn dependent claims are also being amended to keep them consistent with the amended generic claims. Because these claims remain withdrawn pending allowance of the generic claims, the claims remain marked above as 'withdrawn'.

**35 U.S.C. § 102(e) Rejection**

The rejection of claims 1 and 17 under 35 U.S.C. § 102(e) as being anticipated by Hynecek, is respectfully traversed based on the following.

Amended claim 1 recites *inter alia* "a first transistor capable of logarithmic conversions ... the first electrode of the transistor being connected to a second electrode of the photoelectric conversion element, wherein switching between the first and second modes is achieved by varying a potential at the second electrode of the first transistor." That is, the logarithmic mode or the linear proportional mode of PCC operation is selected by the potential applied to the electrode of the logarithmic conversion transistor that is **not** connected to the photoelectric conversion element. In contrast, Hynecek discloses

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separate resetting transistors that control the potential at the node **between** the photodiode and the logarithmic conversion transistor. It is respectfully submitted that Hynecek does not disclose, teach, or otherwise suggest the structure recited in claim 1. Therefore, amended claim 1 distinguishes over Hynecek.

Amended claim 17 recites *inter alia* “a transistor capable of logarithmic conversions and having a first electrode ..., the first electrode of the transistor being connected to a second electrode of the photoelectric conversion element, wherein switching between the first and second modes is achieved by varying a potential at the second electrode of the transistor.” As provided above in respect of amended claim 1, the claimed structure is not disclosed, taught, or suggested by Hynecek. Therefore, claim 17 also distinguishes over Hynecek.

Accordingly, it is respectfully requested that the rejection of claims 1 and 17 under 35 U.S.C. § 102(e) as being anticipated by Hynecek, be reconsidered and withdrawn.

#### **35 U.S.C. § 103(a) Rejection**

The rejection of claims 5, 8, 21, 24, 33-35, and 46-48 under 35 U.S.C. § 103(a), as being unpatentable over Hynecek in view of Dierickx, is respectfully traversed based on the following.

As provided above in respect of claim 1, Hynecek fails to disclose, teach, or suggest the elements of claim 1. Specifically, Hynecek fails to teach a photoelectric conversion circuit including “a first transistor capable of logarithmic conversions ... the **first** electrode of the transistor being connected to a second electrode of the photoelectric conversion element, wherein switching between the first and second modes is achieved by varying a potential at the **second** electrode of the first transistor.” It is respectfully submitted that Dierickx also fails to teach this required element of amended claim 1. Accordingly, claim 1 distinguishes over Hynecek and Dierickx whether taken singly or in combination.

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Claims 5 and 8 depend from claim 1 and therefore include all of the elements of claim 1. Accordingly, claims 5 and 8 distinguish over Hynecek and Dierickx for at least the same reasons as provided above in respect of claim 1.

Claim 17 recites *inter alia* “a transistor capable of logarithmic conversions and having a first electrode ..., the first electrode of the transistor being connected to a second electrode of the photoelectric conversion element, wherein switching between the first and second modes is achieved by varying a potential at the second electrode of the transistor.” As provided above in respect of claim 1, it is respectfully submitted that these elements of claim 17 are not taught by the cited references. Accordingly, claims 17 distinguishes over the combination of Hynecek and Dierickx.

Claims 21 and 24 depend from claim 17 and therefore include all of the elements of claim 1. Accordingly, claims 21 and 24 distinguish over Hynecek and Dierickx for at least the same reasons as provided above in respect of claim 17.

Claims 33 and 46 have been amended to place them in independent form and to incorporate subject matter from claims indicated as being allowable pursuant to paragraph 5 of the Office Action. It is respectfully submitted therefore, that claims 33 and 46 distinguish over the cited art.

Claims 34-36 and 47-49 have been cancelled.

Accordingly, it is respectfully requested that the rejection of claims 5, 8, 21, 24, 33-35, and 46-48 under 35 U.S.C. § 103(a) as being unpatentable over Hynecek in view of Dierickx, be reconsidered and withdrawn.

#### **Allowable Subject Matter**

Pursuant to paragraph 5 of the Office Action, claims 15, 31, 42, and 55 have been amended to place them in independent form, including the limitations of their respective

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parent claims. Claim 33 has been amended to incorporate the subject matter of claims 34-36, which is substantially equivalent to rewriting claim 36 in independent form. Claim 45 has been amended to depend from allowable claim 42. And claim 46 has been amended to incorporate the subject matter of claims 47-49, which is substantially equivalent to rewriting claim 49 in independent form.

Accordingly, it is respectfully submitted that claims 15, 31, 33, 42, 45, 46, and 55 are in condition for allowance.

### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 4 from 4 to 8, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$800.00 to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

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Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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